

their fair share contribution to the overall success of the PCCP. Another option would be that properties would pay a rate that is directly linked to the resources that are impacted. Under this scenario, if vernal pools are present you would be required to mitigate. If they were not present you would not be required to mitigate for vernal pools.

28. Based upon the desire to have a 120-day turnaround for permits under the PCCP, who will be responsible for verifying the resources that do or do not exist on a site? Is there an assurance this will be a timely review?

Response: In regards to wetlands, every site proposing impacts and wishing to obtain a PCCP permit would be delineated, similar to the process that occurs with the U.S. Army Corps of Engineers today. A timeframe will be established with this process.

29. Will the cost for mitigation land acquisition vary based upon the resource being purchased?

Response: See answer to Question 4.

30. How long does a vernal pool need to be in existence to be considered a vernal pool. I have seen that rice lands now have vernal pools. Am I discouraged to do restoration?

Response: See the response to Questions 22 and 25. Restoration of lands that were previously vernal pool grasslands where the topographic and hydrologic conditions are still intact is preferred over creation/re-creation on lands that have significantly been altered, e.g., laser-leveled rice land.

31. Are properties that are in the developed/white area still required to purchase mitigation land? What if there are no protected resources on the property?

Response: Areas designated for development are the areas that will need the greatest amount of regulatory coverage through the PCCP. The majority of the impact will occur in the areas depicted in the white. While it is expected that development will occur to a lesser extent under current zoning and general plan designations in the purple areas, wholesale conversion of the landscape is not anticipated. Some amount of conservation and even restoration may occur in the development areas depicted in white, but the real opportunities for conservation and restoration are in the areas depicted in purple. See answer to Question 27.

32. What and who defines an “impact”?

Response: Each agency and jurisdiction has it's own general definition. As generally defined by the County in the PCCP impact analysis model, a direct

impact occurs when land that currently supports natural resources will be converted to a land use that, in general, does not support natural resources.

33. Other conservation plans (such as the San Joaquin County Multi Species Habitat Conservation and Open Space Plan) use a sliding scale as to what resources you are impacted. Does the potential exist for a property in the developed/white area to be restricted from developing because of the level/quality of its resources?

Response: The question is directed at a comparison between the adopted San Joaquin County Multi Species Habitat Conservation and Open Space Plan and the draft PCCP. At this time we cannot do a side-by-side comparison because the PCCP does not have a map or conservation strategy that can be evaluated in a comparative manner. As to the last question, the answer is yes, it is expected that certain areas depicted in “white” on the reserve alternative maps will be a part of the conservation plan. In particular, the stream corridors with buffers would be a part of the plan and other key resources including vernal pools and wetlands associated with these stream corridors would likely be a part of the plan. Lastly, areas already protected within the “white” areas would be incorporated into the overall reserve system.

34. Will the 40 percent open space area that Lincoln is proposing with its General Plan updated be included in the reserve/purple area?

Response: The City of Lincoln has not determined the exact location of the open space areas that will cumulatively add up to 40% of the General Plan area. Some lands may qualify as conservation lands that contribute to the PCCP reserve area while other areas will not. Isolated and/or fragmented habitat surrounded by urban development would not qualify, nor would urban parks and other similar features. Floodplains and large, intact landscapes adjacent to PCCP reserve areas may be considered viable. The final determination will be made after a conservation strategy has been prepared which includes buffer standards, size standards and other features of the PCCP reserve area.

35. Can the assumption be made that land in the developed/white area will be more valuable than land in the reserve/purple area?

Response: In general it could be assumed that fully entitled or fully developed land, which would dominate the area depicted in white on the reserve alternatives map, would have a higher value per acre than agriculturally-designated lands in the PCCP reserve area. This is a predictable difference in value that would exist with or without the PCCP.

36. Landowners rights are being taken away by being placed in the reserve/purple area.

Response: The PCCP does not change the general plan land use or zoning designation of any property. Properties acquired through the program in fee title may see a change in zoning and general plan to accurately reflect their conservation value. Lands within the boundary of the reserve area can continue to conduct activities allowed under the zoning and general plan designations over time.

37. Why is the County not looking at and considering floodplains, which are already required to be preserved?

Response: The PCCP reserve area boundary includes the assumption, based upon General Plan policy, that the floodplain areas of western Placer County will be protected and that the resources in those areas can be conserved and restored if acquisitions are made.

38. Is the PCCP intended to be a voluntary program for people with land? What if a property owner does not want to sell their land for mitigation?

Response: The PCCP is based upon the assumption that only willing sellers and willing buyers will participate in the land acquisitions.

39. Does having the PCCP in place relieve a developer from any litigation brought on by private groups?

Response: There is always the potential for a project to be litigated, regardless of the status of the PCCP. However, some of the environmental stakeholder groups have indicated that if a PCCP is adopted that reflects a regional, comprehensive conservation strategy, which has the endorsement of the environmental community, the potential for lawsuits from their organizations may be reduced.

40. At one time the County was considering an open space conversion fee. There was a committee formed to review the open space conversion fee – will the fee now be part of the PCCP?

Response: The General Plan has an implementation program that calls for the establishment of a fee or land dedication program to mitigate for open space losses. A committee was formed for the purpose of assisting the County on the development of the fee. The work program was halted after it was determined that the conservation strategy for the PCCP would likely include a requirement to mitigate for open space losses. In the event the PCCP is adopted, it will serve as the functional equivalent of the open space conversion ordinance required by the General Plan.

41. To some, vernal pools are mosquito breeding grounds. Based upon current regulations, property owners are not allowed to spray. Is something being done to protect residents from public health hazards?

Response: In the past, the staff has coordinated with the Placer County Mosquito Abatement District. If the PCCP work program moves forward, the staff will continue to work with the Mosquito Abatement District on management strategies that address the mosquito infestations. As noted above, however, vernal pool areas are not the primary source areas for mosquito populations in that the vernal pools typically will dry up in late March or April and are dry until the fall rainfalls.

42. What happens to the Placer Parkway and Sacramento River Water Diversion projects if the PCCP does not move forward?

Response: The commenter is raising concerns about the ability of these projects to move forward in a timely manner under the status quo alternative. The Placer Parkway and the Sacramento River water diversion for West Placer are both projects that are covered by the PCCP. In the event the PCCP work program does not move forward those projects will need to rely upon the status quo regulatory process and obtain permits individually.

43. What's the program for affordable housing? It would seem that a program like the PCCP, with its anticipated costs, will put affordable housing even further out of reach.

Response: The commenter raises concerns about the impact of the PCCP on the ability of the County to provide affordable housing. The PCCP is an alternative to existing regulations. There are development costs to mitigate impacts to wetlands and endangered species with or without the PCCP. In real estate markets with strong demand relative to supply, these and other costs of infrastructure needed for new development may ultimately be paid by future homeowners. Conversely, in a market where there are more substitutes (i.e., where buyers have more choice), costs such as these result in lower developer profit margins and, over the longer term, are reflected in lower land values as developers reduce what they are willing to pay for land.

It is not possible to fully determine the costs associated with a status quo alternative. They will vary widely from project to project and will also change over time. However, the regulations are going to be applied in Placer County with or without the PCCP. Therefore, the PCCP is not expected to affect housing affordability to any significant extent. Land use decisions on density, the cost of land, the cost of infrastructure, market conditions, and a number of other factors have the potential to impact housing affordability to a greater degree than PCCP costs.

44. Will staff be recommending a preferred alternative map to the Board?

Response: The staff is not recommending a particular map for consideration by the Board on January 23, 2007.

45. As a member of the BWG, it is my hope that the Board gives some definite direction for the County to proceed with the work program in order to get the wildlife agencies to sign off. There needs to be direction to move forward with a map or maps to have potential for agreement.

Response: No response required.

46. Does the PCCP impact Lincoln's update of its Sphere of Influence and General Plan?

Response: Lincoln is participating in the PCCP in order to receive regulatory coverage for its existing General Plan buildout as well as the buildout of its expanded sphere of influence.

LANDOWNER SUBCOMMITTEE MEETING
December 15, 2006 - 1:00pm
Planning Commission Chambers, CDRA Building

The meeting was called to order at 1:00 pm. Michael Johnson, Placer County Planning Department Director, introduced himself and the County staff present (Loren Clark, Melissa Batteate, and Breann Larimer).

Michael Johnson gave a presentation that introduced the Placer County Conservation Plan (PCCP) and provided a summary of the reserve design map alternatives that have been prepared to date. At the conclusion of the presentation, Michael opened up the floor to questions and comments. The following summarizes the questions raised at the meeting:

1. With respect to any reserve map that moves forward for negotiation with the wildlife agencies, who is at the table when that negotiations takes place?

Response: It has not yet been decided who will participate in the negotiations on an alternative reserve map, should one be selected by the Board. One option would be to have some representation from the various stakeholder groups participate in the discussions.

The goal has been to have a reserve map that can be endorsed by the stakeholders but we have not successfully identified a map to which all can agree. The BWG, as the officially designated stakeholder working group, would ideally endorse the final reserve design. The maps prepared to date are preliminary in nature and require considerable refinement before final deliberations.

2. In the absence of stakeholder agreement, will the County present an alternative to the wildlife agencies?

Response: That is a question that will need to be addressed by the Board of Supervisors.

3. Status quo, where property owners have the ability to negotiate their own mitigation requirements, is better than a 50-year restriction on my land.

Response: No comment required.

4. What happens to properties that are on the edge of the developed/white area and the reserve/purple area?

Response: Jim and Nanett Martin, property owners in southwest Placer County, posted this question. Their property is located approximately three miles from the City of Lincoln airport and approximately two and a quarter miles from the Highway 65 Bypass project. Their property is located directly adjacent to the City of Lincoln's Proposed Planning Area. No development plans have been discussed with the County in this area. Property owners in the purple areas will still have the ability to farm their property or sell to an interested party if so desired. If a property owner in the purple wishes to sell their property or an easement on their property for incorporation into the PCCP reserve system they would have the ability to do so. If a property were located within the reserve boundary (purple), a successful application for a General Plan amendment and/or rezoning would effectively remove the property from any potential conservation status. It is possible that any application for such changes, when a property is located within the reserve boundary, may be subject to additional review if the development of such a property caused the viability of the reserve area to be at risk.

5. I think the staff has done a good job posting these meetings. Will the summaries be posed on the internet also?

Response: This meeting summary was posted on the County's website on January 12, 2007 and was distributed via email to anyone who provided staff with contact information.

6. Will being placed in the reserve/purple area impact my ability to get loans on my property?

Response: The PCCP is based on the premise that acquisitions will be conducted in a willing seller/willing buyer environment. Property owners would be compensated for the fair market value of any property sold or any property rights sold through a conservation easement, based upon an appraisal of the property at the time of the acquisition.

7. I think that there are a lot of farmers that are not supportive of the PCCP and some that I have talked to are shocked and surprised.

Response: The County has sought to encourage the participation of agricultural stakeholders through appointments in the to the stakeholder working group, through regular communication through the Agricultural Commissioners Office, through updates to the Agricultural Commission, and with numerous contacts with major agricultural property owners in the area.

8. The Williamson Act benefited property taxes. Does this program benefit farmers? If not, why should farmer endorse the PCCP?

Response: Farmers have the potential to benefit due to the potential to be compensated for development rights on the property while retaining their rights to farm. Additionally, by placing conservation easements on lands, parcels that were acquired in fee may be returned to the private sector market at a lower value than the current fair market value of the property. Also, the PCCP would affirm the General Plan's agricultural land use designations and policies and provide additional certainty to farmers in that the region would stabilize as an agricultural area not subject to significant change and the introduction of incompatible land uses over time. Lastly, buffers and separators would be incorporated into the standards of the PCCP insuring adequate separation between production agriculture and future urban/suburban land uses.

9. While the BIA does not have a preferred alternative, the BIA does support the PCCP work program. Is there an opportunity for groups to submit new alternative reserve map after January 5, 2007?

Response: While staff is willing to accept and consider alternative reserve maps up to the time that the Board considers this item, staff may not have sufficient time to analyze the map and provide a recommendation to the Board.

10. How is the County going to get the disenfranchised on board with the work program – including those properties on the potential urban edge?

Response: The PCCP reserve system boundaries are intended to be the beginning point in a conversation with stakeholders and wildlife agencies. Properties that are on the current or projected urban edge do not receive any designation from the PCCP other than their current zoning and general plan designations. Some urban edge properties will be acquired as buffer lands to the conservation areas within the reserve boundary. Others will be acquired because of the resources values. Others yet won't be acquired at any time due to their size, location, lack of resources, etc. Lastly, it's possible that some urban edge properties will be fully developed if general plan amendments are approved and infrastructure can be provided. Until there is a closer examination of a reserve map it is hard to predict exactly the condition of any given property.

Lastly, the PCCP is implemented over 50 years and changes are expected over the term of the permit. It simply is not possible to predict future changes in growth patterns and regulatory requirements. What we do know is that under the current holding capacity of western Placer County, 50-years of absorption is likely to be available and consequently, significant new areas are not expected to be identified for development with any real likelihood that these areas would be developed any time soon (e.g., 0-15 years from now).

11. Because new development will require new roadways such as Highway 65, shouldn't the County consider growth/development along this major arterials rather than setting aside the land for conservation?

Response: One of the primary issues associated with Placer Parkway and Highway 65 is the potential for growth inducement. Construction of new highway facilities often has growth inducing effects because of the ability of such roadways to provide significant access to areas that previously had limited or no access. Such corridors also can be utility corridors containing major sewer, water and electrical utility connections. Generally speaking, both Caltrans and SPRTA are trying to limit the growth inducing impacts of their roadway facilities.

One of the primary interests of the SPRTA Board as it relates to the Placer Parkway is to specifically consider the growth inducing effects and try to limit the potential for general plan amendments along its corridor as a consequence of the facility being constructed. There are a couple of relevant reasons for this: 1) By reducing growth inducement, SPRTA will limit its responsibility to address indirect impacts on endangered species and 2) Land use authority lies with elected officials in the counties and cities. As such it is appropriate to allow local government to determine how and when general plans are amended and not solely as a consequence of new facility construction.

12. The Highway 65 bypass will bring in more development, and the adjoining railroad facility is in great demand. However, the County has designated areas along these corridors as reserve/purple. This seems like a waste of infrastructure.

Response: The purpose for the Highway 65 bypass and Placer Parkway is to move individuals, goods and services based upon existing planned and proposed development. Significant new development along these facilities would likely result in new congestion problems and limit the effectiveness of these facilities to solve current and projected problems.

13. The focus of the discussion has been on land development projects. What about PCCP benefits on public projects?

Response: The PCCP is intended to cover two major facilities: Placer Parkway and the Sacramento River diversion. Smaller but still important infrastructure projects are covered as well for both the public and private sector. Without the PCCP, these projects will be subject to review under the status quo regulatory environment. This environment has become increasingly more challenging locally and is not predicted to get easier as resources get scarcer and litigation becomes even more common.

14. With or without the PCCP, there is still the potential for groups to file litigation to stop development projects. So what's the value of the PCCP?

Response: It is correct to state and/or assume that the PCCP cannot remove the potential threat of litigation for the land development and infrastructure projects associated with growth in Placer County. The PCCP can reduce the threat and possibly the scope and scale of litigation but there is simply no means of predicting to what degree, if any this can occur. All that we have to evaluate is the current trends which involves a considerable amount of litigation, at the local, state and federal level on matters related to wetlands and endangered species regulations.

The PCCP is a consequence of the regulatory environment in this region. This regulatory environment has regulations that are imposed at the local, state and federal level and not only affect endangered species issue but the general rights associated with the use of land. The laws are in effect with or without the PCCP. In the event the regulatory environment changes in the future, it is possible that such conditions might change or be reduced. However, the trends continue to point towards an increasingly challenging regulatory environment and the PCCP is intended to address that condition.

15. It is interesting that Del Webb Lincoln went forward pretty fast under the current regulatory requirements. Why is there such a push to go forward with the PCCP?

Response: It needs to be noted that Del Webb was part of the Twelve Bridges Specific Plan that received its local approvals approximately 10 years ago. This predates the current litigation on critical habitat, the preparation of the vernal pool recovery plan, changes in the minimum standards for wetland fills and a number of other conditions. Staff has not specific details on how long the permitting for that project took at the state/federal level. However, such permits are typically 2-3 years in processing time.

16. How did Del Webb successfully construct in the foothills if it is so difficult?

Response: The Twelve Bridges property was a large unfragmented property with the ability to gain immediate access to Highway 65 and Sierra College Boulevard as well as access to the necessary infrastructure to serve a large project. The only other large unfragmented property immediately east of Lincoln, Rocklin and Roseville, is the Bickford Ranch property that is now under construction. The only other area with large properties is in the Garden Bar, Big Hill area that has no public roads, no sewer or water (such facilities are 5+ miles away). Lastly, the cost of developing on property with flat or limited topography is always going to be less expensive than development in the steeper areas of the County. There is no real likelihood that suburban development will occur in the foothills in Placer County.

17. Is it correct to assume that properties in the reserve/purple area will be “locked up” forever?

Response: Only the properties acquired for mitigation would be “locked up”. This does not constitute the entire potential reserve area boundary and it only includes willing sellers. If the PCCP reserve area is 60,000 acres, that represents approximately 94 square miles or approximately 6.6 percent of the County’s total land mass.

18. The total cost of the PCCP will exceed a billion dollars? Many or all these costs will be born by the residents in Placer County residents?

Response: The estimated land cost is over \$1.1 billion based upon 2006 dollars. Because some of these lands will likely be acquired through land dedication and these dedicated lands were acquired some time in the past, the actual value may be lower when measured in 2006 dollars.

The cost of the mitigation will not be borne by existing Placer County residents and/or businesses. The cost will instead be borne by the new development that directly benefits from the PCCP.

19. Who pays Mello-Roos fees?

Response: A “Mello-Roos” or Community Facilities District, is typically formed to pay for a wide range of infrastructure needs for new development. Bonds are sold and the proceeds of those sales pay for the cost of the infrastructure. The bond debt is paid for by the landowner of the property that is the beneficiary of the new infrastructure. That beneficiary can be the original landowner/developer or the subsequent buyers of the new homes and businesses as development is sold in transferred. The objective is to spread the cost of the debt over a large number of owners.

20. Is it possible for a property in Penryn to establish a mitigation bank?

Response: Mitigation and conservation banks have been an option for regulatory compliance in Placer County since 1994. Staff believes that banks will continue to provide a viable option for mitigation and will help meet the obligation of providing mitigation lands before “take”. Mitigation or conservation banking in the Penryn area or anywhere else in the Loomis Basin is going to be limited due to the highly fragmented character of the landscape and the cost of land.

21. Is there an update on the July 2005 finances update?

Response: No. The balance of the financing plan will be prepared after a reserve design is selected. The 2005 financial alternatives analysis was prepared to give the Board of Supervisors an early understanding of the funding options available.

22. Where will the \$1.1 billion in acquisition funding come from?

Response: New residential and non-residential development in the unincorporated area of western Placer County and the City of Lincoln will bear much of the cost of the local mitigation for impacts attributable to covered activities, largely proportional to the conversion of land from non-urban to urban uses. Thus, the cost of the PCCP will be borne by the beneficiaries of the PCCP regulatory relief.

23. The various alternative reserve maps anticipate that about 76 percent of the reserve/purple area will need to be preserved in purple, but a high percentage within that area has already been developed. So if 25 percent of the reserve/purple area has already been developed, does that mean that the County needs to save 100 percent of the balance of the reserve area? What